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Supreme Court, U.S.
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IN THE SUPREME COURT OF THE UNITED STATES OCTOBER TERM, 1991

GEORGE GORDON

PETITIONER,

v.

STATE OF MISSOURI

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO THE MISSOURI COURT OF APPEALS FOR THE SOUTHERN DISTRICT, DIVISION TWO

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Can the State of Missouri prosecute an ambassador, of a foreign sovereign, who is a stranger and a sojourner in the United States, or are such proceedings the sole domain of the Federal courts?

2. Can the State of Missouri prosecute an alien, alleged to be in violation of a state law, when said alien is in the process of practicing a federal law, or does the Supremacy clause of the Federal Constitution bind the States to Federal law and other Acts of Congress?

3. Can the State of Missouri refuse to apply it's own law, which has a clause exempting aliens, and ambassadors who qualify for the exemption?

4. Can the State of Missouri effect a discriminatory policy, in favor of Christians and against Hebrews, by creating religious exceptions to various laws for Christians, while comparable exceptions are denied to Hebrews, and can the State refuse to issue a driver's license to an otherwise qualified applicant, who advances a religious objection to signing the license?

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RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO THE MISSOURI COURT OF APPEALS FOR THE SOUTHERN DISTRICT, DIVISION TWO

PETITION FOR WRIT OF CERTIORARI

The Petitioner, George Gordon, respectfully asks that a Writ of Certiorari be issued to review the judgement of the Missouri Court of Appeals for the Southern District, Division Two, entered on January 7, 1992.

OPINION BELOW

On January 7, 1992, the Missouri Court of Appeals, Southern District, Division Two dismissed the Petitioner's Appeal against the decision of the Circuit Court of Webster County, Missouri, said case being entitled **State of Missouri v. George Gordon, Case # 17332-2.** The Dismissal is entered as Exhibit "A"

JURISDICTION

On January 7, 1992, the Missouri Court of Appeals, Southern District, Division Two dismissed the Petitioner's appeal on technical grounds, thus confirming the opinion of Circuit Judge James P. Anderton. The jurisdiction of this Court is therefore invoked under Title 28, United States Code, Section 1257.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment I:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...

United States Constitution, Amendment XIV:

...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Constitution, Article III, Section 2:

In all cases affecting Ambassadors, ...the supreme Court shall have original jurisdiction...

United States Constitution, Article VI:

This Constitution, and the Laws of the United States whcihc shall be made in Pursuance thereof; ...shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby...

STATEMENT OF THE CASE

On July 9, 1990, the Petitioner was charged in the Circuit Court of Webster County, Missouri with violation of Missouri Statute 302.321, operating a motor vehicle with a suspended license, and 302.020, failure to register a motor vehicle. On November 15, 1990, after two motion hearings, and the recusal of the judge originally assigned to the case, the case was brought to trial. The arraigning judge had entered a plea of not guilty, over the Petitioner's objections, when the Petitioner refused to plead guilty or not guilty, instead entering a plea of non assumpsit by way of confession and avoidance. Judge James P. Anderton, who took over the case upon the recusal of the arraigning judge, did allow the filing of a demurrer to the charges. The Demurrer is entered as Exhibit "B". During the trial, the Petitioner had asserted that he was (1) an expatriate, (2) a citizen and resident of the Kingdom of Israel, (3) an Ambassador of the Kingdom of Israel, (4) and not a citizen or resident of the United States or the State of Missouri. The Judge

did rule that the Petitioner's statements to the fact that he was an ambassador and had a letter of credential were to be allowed into testimony. Not once during the proceedings did the State produce witnesses, evidence, or testimony that would show that the Petitioner was anything other than what he claimed. And as to the State's contentions that the Petitioner was not an ambassador, and was in fact a resident of the State of Missouri, no proof other than mere statements to the effect by the prosecuting attorney were made for the first, and no proof other than that the Petitioner lived in Isabella, Missouri were made for the second. The State was unable to even show that a driver's license had ever been issued in Missouri to the Petitioner, a prerequisite for the charges under Statute 302.321. It should also be noted here that the official transcript of the trial did not contain, for the first time in the Petitioner's recall, the opening or closing arguments of either the Defense or the Prosecution, which is where most of the State's remarks as to the Petitioner's status were con-

tained. After cloistering himself in chambers for an hour or so, the Judge came back and found the Petitioner guilty on the charge of driving while suspended, and not guilty on the charge of driving with expired registration. On December 27, 1990, the Petitioner attended a hearing to rule on his Motion for the return of his passport, said motion being denied, as the passport was being held as evidence, and requested by the State Department after the conclusion of the matter. On November 23, 1990, the Petitioner filed for appeal of the sentence and findings of the trial court in the Missouri Court of Appeals, Southern District, Division Two, as Case #17332-2. On January 7, 1992, the Missouri Court of Appeals, Southern District, Division Two dismissed the Petitioner's appeal, on the grounds that "Even an expatriate proceeding pro se must follow our rules the same as parties represented by lawyers. **Snelling v. Jackson, 787 SW 2d 906, 907, (Mo App 1990); Snelling v. Stephenson, 747 SW 2d 689, 690 (Mo App 1988)**. We dismiss the Defendant's appeal because

his brief fails to meet the requirements of Rule 84.04 (b), (c), (d), and (h)" By the time the Petitioner had received the notice of dismissal, the Court of Appeals' time for filing for rehearing had expired. A subsequent transfer to the Supreme Court of the State of Missouri was not allowable under the Missouri Rules of Court 83.01 through 83.03, which state that the only methods of gaining Missouri Supreme Court review are (1) the transfer by a dissenting judge of the Court of Appeals, (2) the transfer by an Order of the Court of Appeals, (3) the transfer by Order of the Supreme Court if a Motion for rehearing has been denied, and application under 83.02 denied. As each of the three methods depends on an opinion being rendered by the Court of Appeals, and one was not, there was no method of transfer to the Supreme Court of the State of Missouri. The timing of the receipt of the Court's dismissal, and the wording of the Missouri Rules of Court effectively prevented the Petitioner from filing for Transfer to the Supreme Court of the State of Missouri, and effectively exhausted the

Petitioner's remedies in the State Courts, thus leaving only this Court to appeal to for a remedy.

REASONS FOR GRANTING THIS WRIT

This Writ should be granted on three types of issues raised by the questions: (1) this Petition presents issues directly covered by the Constitutional jurisdiction of this Court, and with case law supporting them; (2) this Petition presents issues that have been decided by implication, but not necessarily by direct decision of this Court; and (3) this Petition presents a festering issue that has been bypassed by the State Courts on every occasion that it has been brought up for review, with either a collateral issue being used as the basis of the decision, or technicalities being used to gain dismissal, as in this case.

1. Can the State of Missouri prosecute an ambassador, of a foreign sovereign, who is a stranger and a sojourner in the United States, or are such proceedings the sole domain of the Federal courts?

This question strikes directly at the heart of the entire issue, as the answer to the question of whether the States can prosecute foreign ambassadors is one upon which the State of Missouri's entire case rests. The State of Missouri has initiated legal proceedings against the Petitioner on a number of occasions, actions which are estopped under the **United States Constitution, Article III, Section 2,** which states that prosecuting an ambassador is an activity under the original jurisdiction of the Supreme Court of the United States. If the State cannot prosecute an ambassador, whether recognized by the United States as a representative to the United States or not, as in **Friedberg v. Santa Cruz, 275 AppDiv 710 (1949)** which stated that this Court had exclusive jurisdiction of action against the permanent representative to the United Nations from the Republic of Chile, the State's entire cause of action against the Petitioner fails. The key factors in determining whether a person is an ambassador are: (1) whether his government meets the standards for being a country, recognized or not, (2) his

letter of credential from said government, and (3) whether or not he "represents" his government, or is simply claiming status for status' sake. The Petitioner has claimed that he is an expatriate from the United States, as per **Title 8 USC § 1481**, when he took an oath of allegiance to a foreign sovereign; that he is an Ambassador of the Kingdom of Israel, subject to the laws of thereof, as laid forth in Scripture; and that the United States Government tacitly recognized the Kingdom of Israel when it passed **Federal Statute 96-1211**. The Kingdom of Israel meets the five main criteria for a country: (1) it has a sovereign, namely Elohim, the God of the Hebrews, (2) it has a government, namely the kingdom originally set forth under David, and continued through Elohim's son, Yehoshua, the Son of David, (3) it has geographic boundaries, namely all the land on planet Earth, (4) it has a population, the people of the tribes of Israel, and (5) it has a law, which is the Law of Moses, handed down from Elohim to Moses on Mount Sinai. As the Kingdom of Israel is a kingdom in

exile, the Petitioner cannot point out a specific piece of ground and say, "that is the property of the Kingdom of Israel" without some other government claiming that it is instead their land, but governments in exile have been recognized before, as in the case of the governments in exile of Poland and the Baltic Republics both during and after World War II. As to the internal workings of the government of the Kingdom of Israel, they are not for this Court to adjudicate or examine, except as to how they go to show that there is a lawful government in existence. This Petitioner also meets the third criteria for an ambassador, as he does represent the Kingdom of Israel, and has the authority to represent the Kingdom of Israel before the people of this Earth. His duties include the teaching of the Law of Moses, and if needed, helping individuals gain citizenship in the Kingdom of Israel.

2. Can the State of Missouri prosecute an alien, alleged to be in violation of a state law, when said alien is

in the process of practicing a federal law, or does the Supremacy clause of the Federal Constitution bind the States to Federal law and other Acts of Congress?

The State of Missouri claims the capacity to prosecute individuals in violation of state law, even as they are in the process of practicing Federal law, though the Supremacy clause in the **United States Constitution, Article Six,** binds the States to recognize, respect and adhere to Federal law, and other Acts of Congress. This case is a perfect example, as the Petitioner claims to be practicing **Federal Statute 96-1211**, which exhorts the reading and application of the Scriptures, yet the State of Missouri claims that it's right to prosecution over-rides the practice of this Federal statute.

3. Can the State of Missouri refuse to apply it's own law, which has a clause exempting aliens, and ambassadors who qualify for the exemption?

The State of Missouri refuses to apply **RSMo 302.080 (2), (3), and/or (4)**, which allow for nonresidents to operate motor vehicles in Missouri without a Missouri driver's license. The question is not whether the law exists, or if the law is applicable, but rather, does the State of Missouri have the right to pick and choose who qualifies for the provisions of the laws based on subjective, not objective criteria, so that any person who does not meet their subjective standards of non-resident does not have to be given the benefits of said law?

4. Can the State of Missouri effect a discriminatory policy, in favor of Christians and against Hebrews, by creating religious exceptions to various laws for Christians, while comparable exceptions are denied to Hebrews, and can the State refuse to issue a driver's license to an otherwise qualified applicant, who advances a religious objection to signing the license?

The State of Missouri has a policy of providing exceptions to it's licensing laws for various Christian denomi-

nations, especially in **RSMo 302.181 (4)** and **(5)**, which state that either Social Security Numbers or Photographs, both of which are normally required for licensing may be waived if the individual applying belongs to a religious denomination that prohibits one and/or the other. The Petitioner has stated on numerous occasions that he is not adverse to carrying a license card from the State of Missouri, to taking a test of driving competency, or to paying the fees requested, but that he will not sign the contract with the State of Missouri, as it violates the Law of Moses, which states in Exodus 23:32: "Thou shalt make no covenant with them, nor with their gods." It has been decided in the opinion of the Missouri Attorney General in **OpAttyGen No. 25, Westfall, 1-4-73** that "...The issuance of a motor vehicle operator's license may not be refused to a person solely on the ground that he refuses to submit to a photograph, when that refusal is based solely upon religious beliefs." The basis of the Petitioner's refusal to sign the contract is based on his

religious beliefs, and as he is willing to comply with the other pertinent sections of the licensing code, he feels that this refusal to accommodate Hebrews, who cannot sign contracts with the State of Missouri on religious grounds, while providing legal accommodation for Christian religious groups, simply because they are either more mainstream, or Christian, is discriminatory in the worst way, and a major violation of the religious free exercise clause of the **First Amendment**.

The Petitioner has also noted that on a number of occasions that case represents a festering issue, one that has been asked of a number of courts, and never answered. In particular, this relates to the issue of racial, ethnic and religious discrimination in both Missouri and other states against the Petitioner, his family, and those around him who claim to be Hebrews following the Law of Moses. As an example, the Petitioner's wife has a current case before the Supreme Court of the State of Oklahoma, entitled **Jacqueline Gordon v. Tony Jack**

Lyons, Case #77130, in which the Petitioner's wife was subjected to contempt of court charges, and jail time, for following her religious beliefs as a Hebrew. She was singled out for legal action and punishment by the trial court judge because of those beliefs. The Petitioner has also had two recent cases against him for substantially the same reasons, the instant case, and **State of Missouri v. George Gordon, Case #17811-1** from the the same court. Both cases were substantially involved with the questions of the Petitioner being Hebrew and bound by the Law of Moses, with both the trial and appellate courts either ignoring the Petitioner's arguments or simply saying that they didn't feel that they were valid, with no reason given. In both cases, the appellate court managed to get out without rendering judgement by using technicalities to dismiss. This Petitioner has even had a case involving these issues before this Court, entitled **Gordon v. Gordon, 108 SCt. 1594**. A number of other cases have been heard in this area, and around the United States, involving Hebrews practicing

the Law of Moses. As the issues involved relating to how a Hebrew who will not sign a contract with either a State government, or with the Federal goverment, is to be treated under the Constitution have never been directly addressed, this Petitioner feels that this has become a true festering issue, one that needs to be answered by this Court.

CONCLUSION

For the foregoing reasons, the Petitioner, George Gordon, respectfully requests that a Writ of Certiorari be issued to review the judgement of the Missouri Court of Appeals, Southern District, Division Two.

Dated this 30 day of March, 1992

Respectfully submitted,

George Gordon

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IN THE MISSOURI COURT OF APPEALS

Southern District, Division Two

State of Missouri, Respondent	) No. 17332
v.	)
George K. Gordon, Defendant-Appellant	)

APPEAL FROM THE CIRCUIT COURT OF

WEBSTER COUNTY

Honorable James P. Anderton, Judge

APPEAL DISMISSED

Defendant was found guilty of a misdemeanor, driving while his operator's license was suspended or revoked, in violation of § 302.321, RSMo 1986. He was sentenced to five days in jail and given credit for five days previously served.

Exhibit "A"

Defendant appeals proceeding pro se. His brief is fatally defective because it totally fails to comply with Rule 84.04.

Defendant's brief contains a "Jurisdictional Statement" with only bare recitals of our jurisdiction being invoked under Article V, Section 3 and Article I, Section 5, of the Missouri Constitution, and the First Amendment of the Constitution of the United States. Such bare recitals are insufficient as jurisdictional statements. Rule 84.04(b). (Rule references are to Missouri Rules of Court (1991).)

Defendant's "Statement of Facts" is a long rambling dissertation on his religious beliefs. For example, Defendant tells us he is a "Hebrew of the Nation of Israel, from the Tribe of Judah, of the Zarah line, born in the United States, and an expatriate." His "Statement of Facts" is not a fair and concise statement of the facts relevant to the questions presented for determination. Rule 84.04(c).

No "Points Relied On" are set forth nor does

Defendant provide citations of any authorities relating to the questions presented for determination. We can assume that Defendant intends his "Questions on Appeal" to be taken as his "Points Relied On". He poses six questions for us to determine such as "(2) Can a license be revoked for more than 1 year" and "(5) Does a state court have jurisdiction over an ambassador." We are not told what actions or rulings of the court are sought to be reviewed and wherein and why they are claimed to be erroneous. Rule 84.04(d).

The brief contains no "Argument" section. Apparently we are expected to glean Defendant's argument from his "Statement of Facts". Even if we were able to do so, his argument does not follow the order of his "Questions on Appeal". Rule 84.04(e). Finally, the brief contains no specific page references to the legal file or the transcript of some 156 pages. Rule 84.04 (h).

In short. Defendant's brief is so deficient that it fails to preserve anything for appellate review. **Simpson v. Galena R-2 School District, 809 SW2d 457, 458**

(MoApp 1991); Paige v. City of University City, 780 SW2d 93, 94 (MoApp 1989).

Even an expatriate proceeding pro se must follow our rules the same as parties represented by lawyers. **Snelling v. Jackson, 787 SW 2d 906, 907, (Mo App 1990); Snelling v. Stephenson, 747 SW 2d 689, 690 (Mo App 1988).**

We dismiss Defendant's appeal because his brief fails to meet the requirements of Rule 84.04 (b), (c), (d), (e), and (h).

Appeal dismissed.

Kerry L. Montgomery, Judge

Flanigan, CJ, and Schrum, PJ, concur.

Filed January 7, 1992

Sandra L. Skinner, Clerk

Missouri Court of Appeals, Southern District

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THE CIRCUIT COURT FOR
THE COUNTY OF WRIGHT,
STATE OF MISSOURI

State of Missouri, Plaintiff	)
	) Case# CR-1090-401-M
vs	)
	) ANSWER &) DEMURRER TO THE
George Gordon, Defendant	) COMPLAINT)
_____	)

Comes now the Defendant, George Gordon, to Demurrer to the Complaint, to wit:

1. The Defendant's name is George Gordon.

2. The Defendant was operating an automobile in Webster County, Missouri, on July 9, 1990.

3. The Defendant does not have a Missouri operator's license.

4. The Defendant did not have a Missouri operator's license on July 9, 1990.

5. The Defendant has never had a Missouri operator's license.

6. The Defendant has never applied for, been issued, denied, or refused a Missouri operator's license.

7. The Defendant is not a resident of the State of Missouri.

8. The Defendant is not a Citizen of the United States of America.

9. The Defendant is a Citizen of the Kingdom of Israel.

10. The Defendant is a Resident of the Kingdom of Israel.

11. The Defendant is an Ambassador of the Kingdom of Israel.

12. The Defendant has Letters of Credential from the Prince of the Kingdom of Israel, identifying the Defendant as one of his Ambassadors.

13. The Congress and President of the United States of

America recognize and have enacted legislation to this end through Public Law 97-280 and Federal Law 96-1211, enacted on October 4, 1982.

14. The automobile in question does not have a Missouri license plate, nor did it have a Missouri license plate on July 9, 1990.

15. The automobile in question is not registered in the United States of America, nor the State of Missouri, and does not appear in the records of the State of Missouri.

16. The Defendant is not the owner of the automobile in question.

17. The Defendant is not engaged in any form of business, trade, commerce, or industry affecting any public interest in either the United States of America or the State of Missouri.

Dated this 11 day of September, 1990.

Respectfully Submitted,

George Gordon, Pro Se